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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA
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9 Renee M. Zinni and Marco S. D'Alonzo, a) No. CV 11-02143-PHX-FJM
10 married couple,)

11 Plaintiffs,)

12 vs.)

13 Jackson White PC, et al.,)

14 Defendants.)
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ORDER

16 We have before us plaintiffs' motion for recusal (doc. 12), defendants' response (doc.
17 16), and plaintiffs' reply (doc. 17). Plaintiffs contend recusal is appropriate under 28 U.S.C.
18 § 455(a) because we have ruled against them in a related case.

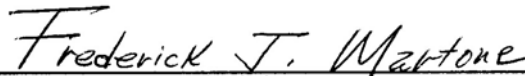
19 Section 455(a) provides that a judge "shall disqualify himself in any proceeding in
20 which his impartiality might reasonably be questioned." We ask "whether a reasonable
21 person with knowledge of all the facts would conclude that the judge's impartiality might
22 reasonably be questioned." United States v. Holland, 519 F.3d 909, 913 (9th Cir. 2008)
23 (quoting Clemens v. United States Dist. Court for the Cent. Dist. of Cal., 428 F.3d 1175,
24 1178 (9th Cir. 2005)). "The 'reasonable person' is not someone who is 'hypersensitive or
25 unduly suspicious,' but rather is a 'well-informed, thoughtful observer.'" Id. (quoting In re
26 Mason, 916 F.2d 384, 386 (7th Cir. 1990)).

27 Plaintiffs allege no facts supporting recusal other than our ruling in a related case. A
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1 prior adverse ruling is not sufficient cause for recusal. United States v. Studley, 783 F.2d
2 934, 939 (9th Cir. 1986); United States v. Nelson, 718 F.2d 315, 321 (9th Cir. 1983). As the
3 Supreme Court stated in Liteky v. United States, 510 U.S. 540, 555 (1994), opinions formed
4 in prior proceedings do not constitute a basis for disqualification unless they display
5 favoritism or antagonism that make fair judgment impossible. There is no basis to suggest
6 favoritism or antagonism here. All we did was rule on motions in good faith. And the
7 accuracy of those rulings are subject to further review on appeal from the judgment in CV-
8 09-2035-PHX-FJM.

9 Accordingly, **IT IS ORDERED DENYING** plaintiffs' motion for recusal (doc. 12).

10 DATED this 30th day of November, 2011.

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13 Frederick J. Martone
14 United States District Judge
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